

2009SP-007-001

9th & Cheatham

Map: 081-12 Parcels: 309, 310, 311

Map: 081-12-N Parcels: 001, 002, 003, 004, 005, 006, 007, 008, 009

North Nashville Community Plan

Council District 19 – Erica Gilmore

Staff Reviewer: Brian Sexton

A request to change from CN, MUL, and R6 to SP-R zoning properties located at 1501 and 1505 9th Avenue North, 9th Avenue North (unnumbered), and 906 Cheatham Place, at the northwest corner of 9th Avenue North and Cheatham Place (0.77 acres), to permit a 3-story, 38 unit multi-family complex, requested by Dale & Associates and the Metro Planning Department, applicants, for Alpha Street Real Estate Development & Investments, LLC, owner. (See also Community Plan Proposal No. 2009CP-008-001).

Staff Recommendation: Approve with conditions, subject to approval of the associated Community Plan Amendment.

APPLICANT REQUEST A request to change from Commercial Neighborhood Preliminary SP (CN), Mixed Use Limited (MUL), and One and Two-Family Residential (R6) to Specific Plan - Residential (SP-R) zoning properties located at 1501 and 1505 9th Avenue North, 9th Avenue North (unnumbered), and 906 Cheatham Place, at the northwest corner of 9th Avenue North and Cheatham Place (0.77 acres), to permit a 3-story, 38 unit multi-family complex.

Deferral This item was originally deferred from the May 14, 2009, to the June 11, 2009, Planning Commission meeting in order for a community meeting to be held to discuss the SP and the associated minor plan amendment. The Commission also requested that the Councilmember attend the meeting. The issues raised by the Planning Commission in response to community concerns include parking and alley access.

The community meeting was held on June 10, 2009. Based on the discussion at the meeting, the applicant requested additional time to redesign the project in order to address the issues raised and asked that this item be deferred to the July 23, 2009, meeting.

The applicant has submitted new plans that reduce the number of units from 44 to 38 to address parking demand. In addition, the development team worked with planning staff to add two additional parking spaces on-site.

Existing Zoning

CN District - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SP-R District - Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential.

NORTH NASHVILLE COMMUNITY PLAN**Existing Policy*****Buena Vista Detailed Neighborhood Design Plan***

Mixed Use (MxU) in NC MxU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as

well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Single Family Detached (SFD) in NG SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Neighborhood General (NG) NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Proposed Policy

Transition or Buffer (TB) Transition or Buffer is intended to provide a transition from intense commercial activity to a more residential character. Uses should be residential in scale, character, and function, but may have a limited commercial or mixed-use component.

Consistent with Policy? Yes, if the accompanying Community Plan Amendment is approved, this zone change will be consistent with the land use policies. The existing SFD in NG policy does not support either multi-family buildings or accessory parking for multifamily buildings. The community plan amendment to TB will support the proposed parking area proposed with this zone change request. The portion of the property within the MxU in NC is consistent, because the policy permits multi-family uses.

PLAN DETAILS The preliminary site plan proposes a three-story infill development on three vacant lots in an urban area. This multi-family building will include 29 one bedroom units, 8 two bedroom units and 1 three bedroom unit. The three lots will need to be consolidated into one lot before this project can be constructed. The SP also includes an additional lot southwest of the site, which is separated by an alley and will be used for accessory parking.

The proposed building will be surrounded by existing single and multi-family residences, with a school, churches, a park and a grocery store in close proximity. Sidewalks are already in place and there is a bus stop one block from this property. By locating in an urban area, this project takes advantage of existing infrastructure and services.

Building Orientation The proposed apartment building is oriented toward both 9th Avenue North and Cheatham Place with doorways directly accessing the sidewalks on both streets, which helps create a vibrant pedestrian environment. The rear of the apartment building overlooks the parking area. The proposed development includes a front setback of 10 feet from 9th Avenue North and a 15 foot front setback from Cheatham Place.

Access/Parking Access to the site is provided by an alley from Cheatham Place to the parking area located in the rear of the building. By taking advantage of the existing alley, there will be no new driveway cuts across the sidewalk.

The UZO standards of the Zoning Code require that 39 parking spaces be provided. The plan proposes a total of 42 on-site parking spaces. There is room for seven parking spaces on the street, the UZO permits four of these spaces to be counted towards meeting the parking requirement.

Landscaping/Screening A standard A Landscape Buffer Yard is proposed along the northwest property line in order to provide additional buffering for the existing residential property. A standard C Landscape Buffer Yard, 30 inch knee wall and a four foot screening wall is proposed along the southwestern portion of the site to provide additional buffering for the existing residential property and parking area. The screening wall will be used to display the property address. There is also a six foot masonry wall located along the southwestern portion of the site to provide additional buffering for the parking area.

Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forester's tree density requirement is needed. A dumpster is located on the southwest portion of the property. Screening details for the dumpster were not submitted to staff and will need to be provided with the final site plan.

Community Discussion The community meeting, attended by Councilmember Gilmore, Metro Planning staff, four area residents and the applicant, was held on June 10, 2009. The residents indicated that, given the amount of units and lack of existing on-street parking in the neighborhood on Sundays due to the numerous nearby churches, the proposed development did not provide adequate on-site parking. Area residents also expressed concerns regarding the potential misuse of the alley which is being proposed as the primary access point to the development.

The applicant agreed to reduce the number of units from 44 to 38 to help reduce parking demand. In addition, the development team worked with planning staff to add two additional parking spaces on-site.

On July 12, 2009, community residents and the applicant held an additional meeting to discuss building elevations, traffic and parking concerns. Buena Vista Neighborhood Association Chairman Mark Wright reported that there were 13 people in attendance and all agreed to support the rezoning, contingent upon approval of the community's recommended changes to the design of the building.

The applicant has recently submitted new building elevations to staff that show changes addressing community concerns, as well as a reduction of one doorway along 9th Avenue North. Staff is recommending that this doorway be added back into the SP. There are also larger windows on the South side of the building. According to Mr. Wright, there were a few area residents that were adamantly opposed to the project due to the perceived lack of parking and the type of development being proposed. Mr. Wright stated that despite parking issues and the nature of the development, the majority of the attendees at the meeting are willing to continue to work with the applicant to revise the SP prior to Council approval.

Analysis This SP request directs new development to an existing community by utilizing three vacant lots in an urban setting. It is an example of infill development. The proposed residential units will be surrounded by existing single and multi-family residences. There is a school, churches, a park and a grocery store in proximity to the proposed development. It will fill in a gap in the development pattern along 9th Avenue North and it takes advantage of existing infrastructure. The increase in residences in this community will support a range of transportation options including transit services. There is a bus stop one block from this property.

This area already includes a mix of housing types but is predominantly one and two family dwellings with single story, multi-family residences across 9th Avenue North. The introduction of a three-story, 38 unit building will increase housing choices.

This development will add to the already walkable 9th Avenue North and Cheatham neighborhood with its existing sidewalks. As noted above, this development is in proximity to shopping and services.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to the Department of Public Works' approval of the construction plans.
2. Solid waste disposal and recycling collection plan is to be approved by the Department of Public Works Solid Waste Division.

Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	.34	0.25	3,702 sq. ft.	106	14	14

Maximum Uses in Existing Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Low Rise Residential/Townhome (230)	.34	1	18*	145	14	15

*Based on 800 square foot units

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	.08	7.71	1	10	1	2

Maximum Uses in Proposed Zoning District: SP-R

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mid Rise Apartments (220)	.76	N/A	38	354	23	39

Traffic changes between: CN, MUL, and R6 and proposed SP-R

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	.76	N/A	N/A	+93	-6	+8

STORM WATER RECOMMENDATION

- Provide a water quality concept and room for detentions. Some non-standard methods of water quality and detention are being proposed, which may require a variance from the Stormwater Management Committee. If a variance is not approved, then a direct connection to an adequately sized combined sewer may be required.

METRO SCHOOL BOARD REPORT

Projected student generation 3 Elementary 2 Middle 1 High

Schools Over/Under Capacity Students would attend Buena Vista Elementary School, John Early Middle School, or Pearl-Cohn High School. None of the schools has been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION The proposed SP plan is consistent with the MxU in NC policy and staff is recommending approval with conditions, subject to approval of the associated Community Plan

Amendment.

CONDITIONS

1. The corrected copy of the preliminary SP plan shall include building elevations that show a minimum of five doorways along 9th Avenue North.
2. Prior to final site plan approval, the SP final site plan shall include a tree density table and plant species list to be approved by the Urban Forester.
3. Details of the screening for the dumpster shall be included with the final site plan.
4. Prior to the issuance of any grading or building permits, lots fronting onto 9th Avenue North shall be consolidated.
5. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
6. The requirements of the Metro Stormwater Department must be met prior to final site plan approval.
7. The SP is limited to residential uses.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with Conditions, (7-0) *Consent Agenda*

Resolution No. RS2009-90

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-007-001 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. The corrected copy of the preliminary SP plan shall include building elevations that show a minimum of five doorways along 9th Avenue North.
2. Prior to final site plan approval, the SP final site plan shall include a tree density table and plant species list to be approved by the Urban Forester.
3. Details of the screening for the dumpster shall be included with the final site plan.
4. Prior to the issuance of any grading or building permits, lots fronting onto 9th Avenue North shall be consolidated.
5. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
6. The requirements of the Metro Stormwater Department must be met prior to final site plan approval.
7. The SP is limited to residential uses.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-R district to permit 38 multi-family units is consistent with the North Nashville Community Plan's Mixed Use and Neighborhood Center policies."